

Town of Haysi
Minutes of Regular Town Council Meeting
August 3, 2010 @ 7:00 p.m.

On August 3, 2010, the regular meeting of the Haysi Town Council was held in the Council Chambers of the Haysi Town Hall Municipal Building located at 322 Main Street, Haysi, Virginia.

The following members were present:

Mayor Larry Yates and Council Members Michael Harris, Diana Reedy, Dennis Reedy and Johnnie Branham. Council members Joe Sperow & Rocky Wood arrived late.

ITEMS # I & II

The meeting was called to order by Mayor Yates. Chief Wallace offered the invocation.

ITEM # III - APPROVAL OF THE AGENDA

At this time Mayor Yates asked Council for any additions or changes to the agenda. After receiving none from the Council, Mayor Yates requested one addition:

- (1) Item # (B) to New Business –Request for funding from the 2010 Russell Fork Autumn Fest Committee.

Mayor Yates entertained a motion to accept the agenda with the one addition. **A motion was made by Council Member Diana Reedy** to approve the agenda, **with motion on the floor seconded by Michael Harris.** Let the record show the motion on the floor passed unanimously by verbal voting.

ITEM # IV – APPROVAL OF MINUTES

Prior to the meeting, Council had received for consideration of approval a copy of the following prepared minutes:

- July 6, 2010 Regular Town Council Meeting
- July 15, 2010 Public Hearing – Environmental Review Hearing

Mayor Yates entertained a motion for approval. **A motion was made by Council Member Diana Reedy** to approve the minutes as presented, with motion on the floor being **seconded by Council Member Johnnie Branham.** Let the record show the motion on the floor passed unanimously by verbal voting.

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At this time Mayor Yates asked for a second item be added to the agenda - Item (B) under Old Business – monthly police report. Mayor Yates entertained a motion to approve the agenda as amended. **A motion was made by Council Member Dennis Reedy to approve the agenda as amended, with motion on the floor seconded by Council Member Diana Reedy.** Let the record show the motion on the floor was passed unanimously by verbal voting.

ITEM # V – FINANCIAL REPORT

At this time the Council was presented for approval the following:

- Current listing of payables due for August 2010
- July 2010 Financial Report listing: beginning balance, revenue, expenditures and ending balance.
- July 2010 itemized listing of expenditures including checks # 9772-9829
- July 2010 Profit & Loss Report

During the review, Council Member Johnny Branham asked for an explanation of the charges on the Wright Express statement. Mayor Yates explained the company was an oil company that issued credit cards to government agencies for purchases of fuel by the fire and police departments. He continued to explain that purchases made for governmental consumption received a discount. Council Member Branham asked what was the discount. Mayor Yates replied he was not sure of the discount percent and preceded to asked the town clerk for additional information. She replied the purchases were tax exempt which accumulated to approximately a 30% discount.

After inspection of the July 2010 financial report, **a motion was made by Council Member Johnnie Branham** to accept the July 2010 revenue and expenditures financial report as presented, with the motion on the floor **seconded by Council Member Diana Reedy.** Let the record show the motion on the floor was passed unanimously by verbal voting.

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ITEM # VI – OLD BUSINESS

- A. Floodplain Ordinance – Mayor Yates stated FEMA had contacted the town to request an update to the current floodplain ordinance. He continued by stating the update and revision had been completed and submitted to FEMA for approval. At that point FEMA requested the town to go back to the county to receive acknowledge of their intention to continue enforcement of the ordinance and building codes as stated in the current ordinance. He stated the county officials initially refused to continue the enforcement, but after reviewing the original agreement dated 1978, the county Board of Supervisors took the request into consideration during the last meeting and voted to continue as previously agreed in 1978. He informed the council the deadline for adoption of the amended floodplain ordinance was September 20th and a public hearing should be scheduled prior to the September council meeting on September 7th @ 6:45.

At this time Council Member Dennis Reedy asked if the Floodplain Ordinance referred to filling in the river channels. Mayor Yates replied the ordinance did not state any references concerning that subject. Mayor Yates stated the proposed ordinance was basically the same one that had been in effect since 1978. He continued by stating the ordinance allow the town to receive grant funding even though the town was in the floodplain. He explained the ordinance stated it was illegal to build in the floodplain, if the development could potentially cause additional flooding. Although, it had never been enforced in that way.

Council Member Dennis Reedy replied that was the essence of his question. He continued by stating how could what went on from the Hardware Bridge to the Newberry Bridge be possible and/or allowed. He stated if dirt was dumped into the river channel, then the river channel would be narrowed and water would not go out, but rise and go somewhere else. He sited several placed along the river that had been filled in, including behind the Hardware, Dollar General and New Peoples Bank.

At this time, Council Member Rocky Wood asked if the county employed a person to monitor and enforce soil and erosion problems.

Mayor Yates replied he thought Carl Turner handled all such problems. He also stated he did not know anything about the area behind Dollar General or New Peoples Bank, but he stated he did know that the property owners met with the Corps of Engineers and the county building inspector and received approval prior to the work on the area behind the Old Furniture House.

Mayor Yates stated a copy of the proposed ordinance would be given to Council Members for review.

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ITEM # VI – OLD BUSINESS CON'TD

A. Floodplain Ordinance Cont'd

He continued by stating that without the floodplain ordinance in place it would prohibit the town from doing things that needed to be accomplished. He sited the Haysi Community Library as an example of receiving a reduced amount of funding because the facility was located in the floodplain zone.

Rocky Wood asked if the ordinance allowed the town to prohibit construction if the town considered the new construction probable cause for flooding.

Mayor Yates replied affirmatively. He stated the town did not have the resources to hire a building inspector, and the proposed ordinance would allow the town to give the enforcement authority to the county.

Council Member Diana Reedy asked if the town or the county would have the authority to prohibit construction.

Mayor Yates replied the county would be the enforcement agency and make the final decision.

Council Member Johnnie Branham stated if the county refused to allow construction, a building permit would not issued and that would put a stop to the new construction.

Mayor Yates asked Council Member Branham if he had experienced any problems with the building department during remodeling projects on his property. Council Member Branham replied he had not because he had not made any changes beyond the original structure or walls.

Mayor Yates stated the plans for the revitalization project included trails and walks along the river and would be located within the floodplain and he did not know how that would affect the floodplain.

Council Member Rocky Wood stated his concerns of who would make the final decisions concerning the revitalization project regarding the river walks, tree houses and other construction that would be located within the floodplain.

ITEM # VI – OLD BUSINESS CON'TD

A. Floodplain Ordinance Cont'd

Mayor Yates stated he wanted to make one other point concerning the floodplain ordinance. He continue by stating that if the council was opposed to the ordinance and chose not to pass the ordinance that decision would effectively take the town out of the national floodplain insurance program, and anyone within the floodplain who currently was in the program would not be eligible for coverage. Mayor Yates sited thirty-one policy holders currently participating in the program.

Council Member Rocky Wood stated that if the town did not allow the county to enforce the floodplain as required by law, the town would need to have someone in place to enforce the law. He continued by stating that only in the last three to five years had FEMA started to enforce the soil erosion restrictions.

Mayor Yates asked for any other discussion on the floodplain ordinance.

Council Member Johnnie Branham asked for the date of the public hearing.

Mayor Yates replied the hearing would be scheduled for September 7th.

- B. Police Report – Chief Wallace gave an oral summary for July activities including serving several warrants on a B&E and opening one new case involving the theft of an ATV. He reported issuing three separate arrest reports involving prescription fraud. Mayor Yates stated he had observed an increase of activity at Double Kwik. Chief Wallace replied that when that happened, the management called and when an officer arrived the traffic usually disbursed immediately. Chief Wallace stated he had not had the opportunity to trim the tree at the Kid's Central exit, but he would as soon as possible. He announced the department had been awarded two grants -a DMV Highway Safety Grant for approximately \$10,000 to be used for purchase of an in-car camera and radar and a \$3700 Department of Criminal Justice Service grant. Mayor Yates thanked Chief Wallace for his outstanding work and asked if anyone had any questions. After receiving none, Mayor Yates moved on to the next item on the agenda.

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ITEM # VII – MAYOR’S COMMENTS

Mayor Yates made the following announcements:

- Two grant applications had been submitted:
 - 1) Tiger II grant with the Department of Housing & Urban Development for planning, design & construction.
 - 2) National Endowment for the Arts for a Gateway Assessment grant to be used in conjunction with the revitalization project, partnering with Breaks Interstate Park and SWCC to help communities bordering public lands to develop links between both parties
- Friday, July 30th, attended meeting with IDA reps, county administer and developers of the Hatfield-McCoy ATV trail to discuss ways to jump start the Spearhead & ATV programs. He stated the IDA board was working toward taking the initiative to finance the ATV trails.

ITEM # VIII – COUNCIL COMMENTS

Council Member Johnnie Branham inquired if a decision had been made to repair or sell the bucket truck.

Mayor Yates replied he had spoken to Brad’s Auto about making the repairs and had decided to suggest the Council consider selling the vehicle. Mayor Yates stated he would try to take care of the situation.

Council Member Johnnie Branham inquired about the status of natural gas distribution. Mayor Yates replied there were no new developments.

Council Member Diana Reedy asked if Mayor Yates had made an assessment on the trail equipment offered by the Town of Lebanon. He replied he had made the assessment and he thought the equipment was very simple but would be a nice addition to any park. He reported most of the equipment was in good condition and the signage would need to be replaced. He stated the grant opportunity previously discussed was not available. He continued by stating a funding source would need to be identified for the project. He also stated the Town of Lebanon planned to notify him when they were ready to make the donation.

Council Member Johnnie Branham asked if a letter had been received from Forestland. Mayor Yates replied one had not been received, but he thought one could be obtained

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ITEM # VIII – COUNCIL COMMENTS CONT'D

Mayor Yates stated that part of the Tiger II grant could be used to develop that area.

Council Member Johnnie Branham asked if any part of revitalization funding could be used to develop the Splashdam property. Mayor Yates replied that could be discussed with DHCD, but he did not know if they would be favorable toward the idea.

Mayor Yates announced the town was not officially under contract with DHCD. Representatives from DHCD would be spending several days in town in late August or early September to conduct meetings and discussions to start formulating terms of the contract.

Council Member Diana Reedy inquired of how many would be coming and the exact date of the visit. Mayor Yates replied Ms. Ambrose would probably bring one or two associates and he did not have a definite date of the visit.

At this time Council Member Diana Reedy asked if the party would be interested in renting her accommodations. Mayor Yates said he would mention it to Ms. Ambrose.

Council Member Diana Reedy inquired about the cause of several accidents on the bridge near her residence. Chief Wallace replied the last accident was due to driver error. Council Member Rocky Wood stated one accident was caused by vegetation causing obstruction. He sited three accidents has occurred since last month's meeting.

Council Member Dennis Reedy stated he had observed convicts cutting brush in the Clinchco area, but they had not come to Haysi. Chief Wallace stated that type of workers did not come into jurisdictions to work. He stated the vegetation caused traffic hazard each year, but he did not know what would be a solution to the problem.

Mayor Yates stated the Board of Supervisors had a VDOT Maintenance Concern form available to anyone who had road concerns. He suggested anyone who had road concerns should submit the completed form to VDOT. He announced the forms were available upon request from the clerk's office.

Council Member Joe Sperow stated the passing zone near the clinic entrance continued to be a safety hazard for motorist coming from the Backbone area and the clinic

Chief Wallace stated that VDOT had discussed the possibility of a turning lane for the entrance of the clinic.

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ITEM # VIII – COUNCIL COMMENTS CONT'D

Council Member Rocky Wood stated VDOT had denied past requests to develop a passing lane or remove the fencing near the clinic entrance.

Council Member Dennis Reedy stated the fencing needed to be removed.

Mayor Yates stated VDOT had installed the fencing to keep vehicles from going over the embankment. He also stated his request to have the fencing moved back from the highway had also been denied. Mayor Yates continued by stating VDOT representatives no longer attended Board of Supervisors meetings and the best way to contact VDOT about highway concerns would be to submit the VDOT Highway Safety Concern form.

Council Member Dennis Reedy stated several concerns:

- Announced he had found live ammunition in a discarded tool box on Bartley Street
- Mi Finca restaurant did not have their ABC license displayed on the business door
- Requested the town's web site be updated to delete businesses that were closed
- Requested reference of Maw's be deleted from town's description because the business was no longer offering musical entertainment

Town Clerk, Barbara Owens, responded by stating the business directory information had been submitted by each business and she thought that before making the deletions, a formal request should be submitted by the business owner. She asked if Council wanted her to contact the businesses in question.

Council Member Dennis Reedy responded by requesting the reference of Maw's be deleted from the town's web site.

Mayor Yates inquired if Maw's had an active business license.

Town Clerk, Barbara Owens, stated she thought the business did not have a current license, but would need to check the records to be sure.

At this time Mayor Yates stated that everyone knew the town's web site was a work in progress.

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ITEM # VIII – COUNCIL COMMENTS CONT'D

Council Member Dennis Reedy stated other concerns:

- Requested two trash containers be placed on park and ride area near the Clinchco bridge. Mayor Yates stated he would take care of the request.
- Stated his concerns of the debris of brush from December snowstorm not being removed

Mayor Yates stated he agreed the town did need to be cleaned up. He continued by stating VDOT and Dickenson County Board of Supervisors had initially taking the responsibility of the clean-up.

After a discussion, **Council Member Joe Sperow made a motion** to recognize Ms. Maple Edwards for her effort in picking up trash during her daily walks through town, **with motion on the floor seconded by Council Member Dennis Reedy**. Let the record show the motion was passed unanimously by verbal voting.

ITEM # IX – NEW BUSINESS

- A. Brushy Fork Institute Workshop - Mayor Yates stated the workshop would be conducted at Berea College funded by the Flex E grant program. He continued by stating the workshop was a training workshop for community capacity builders. He also stated the program was budgeted for five persons to attend the workshop. He asked if anyone on the council wanted to attend. He announced the workshop dates as September 13th-15th He stated that Council Member Michael Harris attended last year's workshop. Michael Harris stated he would attend this year. Mayor Yates stated he was registered to attend.
- B. Russell Fork Autumn Fest – Mayor Yates read orally the request from Carter Branham requesting funding for the event. Mayor Yates asked Kay Owens to address the Council concerning the request. Ms Owens requested a donation of \$500, port-a-potties and addition lighting for the gazebo. Council Member Rocky Woods stated he would try to install the additional lighting before the Fall Fest. A motion was made by Council Member Rocky Wood to donate \$500, rent port-a-potties and install additional lighting, with motion on the floor seconded by Joe Sperow. Let the record show the motion was passed unanimously by verbal voting.

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ITEM # X - PUBLIC COMENTS

Nicole Bellamy addressed the Council to request a discussion of the sewer problem during the next council meeting. She also announced the next meeting of the Friends of the Russell Fork as August 10th @ 6 p.m.

Anita Whitt requested a copy of the July minutes. Mayor Yates stated she could pick up a copy after the meeting or at the clerk's office the next day. After being informed by the town clerk that an extra copy was available for immediate delivery, Ms. Whitt was given a copy of the July minutes as requested.

ITEM # XI – ADJOURNMENT

There being no other business to be brought before the Council, **a motion was made by Council Member Diana Reedy, seconded by Council Member Rocky Wood** to adjourn the meeting. Let the record show the motion was passed unanimously by verbal voting and the meeting was adjourned.

Larry D. Yates, Mayor

Attest:

Clerk